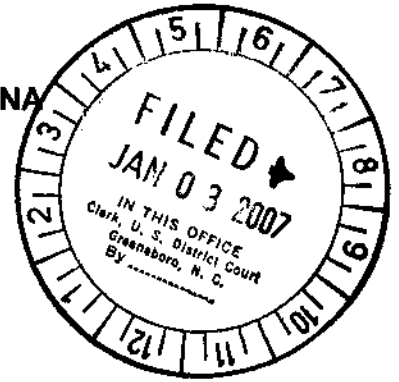


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



ANTHONY LEON HOOVER,                     )  
  )  
  Petitioner,        )  
  )  
  )  
  )  
  )  
  )  
  )  
STATE OF NORTH CAROLINA,             )  
  )  
  )  
  Respondent.        )

1:06CV1018

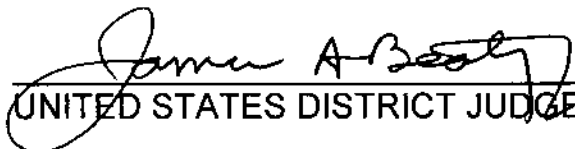
**O-R-D-E-R**

On November 21, 2006, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS HEREBY ORDERED AND ADJUDGED** that this action be **DISMISSED** without prejudice to his refiling a new petition which corrects the defects of the current petition and submitting the \$5.00 filing fee or a completed application to proceed in forma pauperis.

  
UNITED STATES DISTRICT JUDGE

DATE: January 3, 2007